

Local Option Property Tax Reimbursement Ordinance.

The Maine Historic Preservation Commission has prepared an outline of the four basic steps that municipalities may choose to follow in implementing Sec. 1. 30-A MRSA '5730 and samples of types of information to include in a preservation and scenic resource ordinance and a maintenance agreement. Definitions for relevant historic and scenic terms are also included. Additional guidance will be provided by the Commission, as requested.

This program is not related in any way to the Federal or State Historic Preservation Tax Incentive Program.

STEP 1.

AUTHORIZE FUNDING: Under Sec. 1. 30-A MRSA '5730, municipalities appropriate money to reimburse taxpayers for a portion of taxes paid under Title 36, Part 2 on real property.

STEP 2.

ADOPT IMPLEMENTING ORDINANCE: The governing legislative body of the municipality should, based upon their comprehensive plan, adopt by ordinance, criteria that provides for designating historic structures and scenic views and for maintaining the historic integrity of important structures or providing a scenic view.

Historic structures - An important structure is qualified for inclusion under this section if, at the time the municipality reimburses the owner a portion of taxes, one of the following apply:

- A. It is individually listed in the National Register of Historic Places to the National Historic Preservation Act of 1966 (as amended).
- B. It is a contributing property to a National Register-listed historic district.
- C. It is locally designated as a historic property, or as a contributing property to a locally designated historic district.
- D. The Maine Historic Preservation Commission has certified to the governing body that the property in question satisfies either A or B above, or that it believes the property is eligible to be listed in the National Register of Historic Places.
 1. Criteria for Maintaining the Historic Integrity of Important Structures - In order for a taxpayer to maintain the historic integrity of an important structure, maintenance and related improvements should be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties 1995* (or most current revision).

Scenic View - A property is qualified for inclusion under this section if, at the time the municipality reimburses the owner for a portion of taxes, one of the following apply:

- A. It is an area identified by the State Planning Office as having scenic value.
- B. It is a locally designated view or view corridor from a public place.
- C. It is a locally designated natural or cultural feature in an identified corridor (i.e., churches, lighthouses, fields, mountains, islands, etc.).
- D. It is a locally designated part of a municipality that contributes to the character of the town (i.e., village square, etc.).

2. Criteria for Providing a Scenic View - In order for a taxpayer to be to provide a scenic view, all property maintenance and improvements must be consistent with providing the scenic view.

STEP 3.

DEVELOP MAINTENANCE AGREEMENT: The local government should enter into a formal legal agreement with a property owner who agrees to maintain the property in accordance with criteria that are adopted by ordinance by the governing legislative body of the municipality and that provide for maintaining the historic integrity of important structures or providing a scenic view for a specified length of time.

For maintaining important structures, municipalities can choose whether qualifying work should be restricted to the structure=s exterior and/or interior, what the minimum threshold for maintenance is to qualify for the program (not to include demolition by neglect), and what the rate/s of reimbursement should be based upon scope of work and expenditures.

For providing a scenic view, municipalities can choose what constitutes the minimum requirements for property maintenance to qualify for the program and what the rate/s of reimbursement should be based upon.

STEP 4. ADMINISTER PROGRAM: The local review body (identified by ordinance and following guidelines within the local maintenance agreement) reviews and approves maintenance activities and improvements based upon adopted criteria. The local review body then forwards recommendations to the appropriate municipal party for the reimbursement of taxes.

Contact the following for more information:

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Sample Contents of a Preservation Ordinance for Local Maintenance Agreements

The historic preservation ordinance for local maintenance agreements should include, at a minimum, the following:

- Statement of purpose and relationship to comprehensive plan.
- Definitions.
- Specific membership and duties of review body.
- Criteria for designation of important historic structures and districts.
- Provisions for public hearing on designation, and public notification.
- Mandatory review of all activities related to local maintenance agreements.
- *The Secretary of the Interior=s Standards for the Treatment of Historic Properties 1995* (or most current revision) should form the basis of the criteria developed for decisions by the local review body related to local maintenance agreements.
- Specific time-frames for reviews.
- Penalties for non-compliance.

Sample Contents of a Local Preservation Maintenance Agreement

The local preservation maintenance agreement should include, at a minimum, the following:

- The name of the owner and the address of the historic structure.
- The implementing ordinance and municipal review body.
- The duration of agreement.
- A finding that the property meets the criteria for an important structure.
- Reference to the criteria for maintaining the historic integrity of important structures.
- The guidelines for the processing and review of applications for maintenance activities and improvements.
- Specific guidelines for reimbursement.
- Procedures for the cancellation of qualifying status for violations of the agreement, and penalties for non-compliance, if applicable.

Sample Contents of a Scenic Resource Ordinance for Local Maintenance Agreements

The scenic resource ordinance for local maintenance agreements should include, at a minimum, the following:

- Statement of purpose and relationship to comprehensive plan.
- Definitions.
- Specific membership and duties of review body.
- Criteria for designation of scenic views.
- Provisions for public hearing on designation, and public notification.
- Mandatory review of all activities related to local maintenance agreements.
- Specific time-frames for reviews.
- Penalties for non-compliance.

Sample Contents of a Scenic Resource Maintenance Agreement

The local scenic resource maintenance agreement should include, at a minimum, the following:

- The name of the owner and the address of the property that provides a scenic view.
- The implementing ordinance and municipal review body.
- The duration of agreement.
- A finding that the property meets the criteria for providing a scenic view.
- Reference to the criteria for maintaining the scenic view.
- The guidelines for the processing and review of applications for maintenance activities and improvements.
- Specific guidelines for reimbursement.
- Procedures for the cancellation of qualifying status for violations of the agreement, and penalties for non-compliance, if applicable.

Definitions

Contributing property

A structure which adds to the historic associations or architectural qualities for which a property or district is significant.

Demolition by neglect

When a property is not maintained and becomes deteriorated to an extent that it creates health and safety violations.

District

A district possesses a significant concentration, linkage, or continuity of structures united historically or aesthetically by plan or physical development.

Historic integrity

Is the authenticity of a property=s historic identity, evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship, feeling and association) that existed during the property=s prehistoric or historic period.

Important structures

A property worthy of preservation that possesses historic integrity and local, regional, state, or national significance in American history, architecture, engineering, or culture.

Maintenance

The act of keeping a resource in a particular condition by preserving its integrity.

National Register of Historic Places

The National Historic Preservation Act of 1966 assigns the National Register of Historic Places a central role in recognizing buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifying them as worthy of preservation.

National Register-eligible property

A historic property which is eligible for inclusion in the Register if it meets the National Register criteria, which are specified in Department of the Interior regulations at 36 CFR ' 60.4.

National Register-listed property

A historic property that has been formally listed in the National Register of Historic Places and accepted by the Secretary of the Interior, who is represented for purposes of the decision by the Keeper of the National Register.

Scenic view

Scenic resources of a community are the attributes that give it identity and make it an appealing place to live. They may be specific, extraordinary views, or they may be vistas of segments of the community.

Secretary of the Interior's Standards for the Treatment of Historic Properties 1995

The *Standards* are the national standard to guide work undertaken on historic properties. The intent of the *Standards* is to assist in the long-term preservation of historic materials and features.